
COASTAL ZONE POLICIES

As stated in Chapter 3 - **Planning Context**, the northern portion of the community adjacent to Carmel Valley, as well as a small portion along the southern boundary adjacent to Los Peñasquitos Canyon Preserve, is within the Coastal Zone (see **Figure 3, Coastal Zone Boundaries**). In addition to the goals contained in Chapter 4 of this Plan - **Community Land Use Elements**, these portions of the Torrey Hills community shall be subject to the specific coastal zone policies below.

Generally, coastal zone areas within Torrey Hills include the Torrey Reserve and Arroyo Sorrento/El Camino Real portions of the **Commercial Land Use Element**, the northern part (Torrey View) and the southern fringe (Torrey Hills) of the low-density portions of the **Residential Land Use Element**. These specific Coastal Zone Policies for the Torrey Hills community plan area supersede all previously certified policy language relative to Torrey Hills in the North City Local Coastal Program Land Use Plan revisions approved by the California Coastal Commission, January 13, 1988.

Relevant coastal policies for Torrey Hills contained in this chapter are presented in the following format which corresponds to the format of the community plan:

- Residential Land Use
- Commercial Land Use
- Transportation
- Open Space and Resource Management
- Community Design

No Industrial/Business Park land uses occur within the Coastal Zone, and therefore, policies expressed in this chapter do not apply to Industrial/Business Park land use areas in the community.

RESIDENTIAL LAND USES

The northern portion of Torrey View and the southern portion of the Torrey Hills residential land uses, are located within the Coastal Zone. The following policies shall apply to development in these areas.

POLICIES

1. Residential development along the northern portion of Torrey View within the Coastal Zone shall be very low-density (0-5 DU/AC). Residential development in the southeastern portion of Torrey Hills shall develop as Medium-Low (15-29 DU/AC) Residential Land Uses. Residential development in the southern portion of Torrey Hills within the Coastal Zone shall be low-density (5-15 DU/AC).
2. Development near the north slopes of Los Peñasquitos Canyon should maintain a low profile and be set back an adequate distance to allow buffer landscaping to minimize any visual adverse impact on views from the freeway and Peñasquitos Creek.
3. Where large-scale grading occurs, a sculptured technique should be used to blend fill and cut slopes with natural land contours. Any fill slopes adjacent to open space areas should be stabilized with appropriate native plant materials to help reestablish the natural biotic systems of flora and fauna.
4. Architectural design shall stress a blending of structures with the natural terrain. Architectural shapes, bulk, color, materials and landscaping must be carefully chosen to respond to the physical land constraints. Variety in structure design will increase the visual interest of a development.

COMMERCIAL LAND USES

Commercial land uses within the Coastal Zone occur in the northern portion of the community adjacent to Carmel Valley. The following policies shall apply to the Torrey Reserve commercial area.

POLICIES

1. Of the approximately 94 acres of the Torrey Reserve commercial area, approximately 54 acres consisting of the bluffs at the very northern part of the community planning area and the steep slopes of the ridge immediately south of El Camino Real shall remain in open space. Of the approximately 35 acres permitted for development by the Local Coastal Program, approximately 25 acres shall be designated for commercial uses in the area immediately west of the bluffs (to include visitor-serving, financial, office, corporate headquarters, research and development and specialized commercial uses).
2. New development shall not obstruct public views of the scenic bluff escarpments.

TRANSPORTATION

Development of the Torrey Hills community includes construction of Vista Sorrento Parkway, which continues south beyond Torrey Hills, and El Camino Real which continues north of the Torrey Hills community. Portions of these circulation element roadways which are located within the Coastal Zone shall comply with the following policies.

POLICIES

1. Vista Sorrento Parkway, where it crosses Peñasquitos Creek, shall be constructed on a bridge. Wetland fill in Peñasquitos Creek shall be limited to the minimum necessary for required bridge pilings.
2. North of Peñasquitos Creek, Vista Sorrento Parkway shall be constructed on previously approved Caltrans fill to the maximum practical extent. Only extremely limited fill of wetland shall be permitted.
3. Any unavoidable permanent wetland fill associated with Vista Sorrento Parkway shall be mitigated at a ratio of 4:1 for alkali marsh/meadow impacts and 1:1 for freshwater marsh (i.e., cattails) impacts. Shading impacts to cattails shall be mitigated at a ratio of 1:1. Mitigation for freshwater marsh impacts shall be in kind and shall occur within the Los Peñasquitos Lagoon watershed. Mitigation for alkali marsh/meadow impacts shall be in kind and in the immediate area of the alkali marsh/meadow or, if no appropriate site can be found for creation of alkali marsh/ meadow, mitigation shall consist of newly created willow scrub habitat within the Los Peñasquitos Lagoon watershed.

OR

Any unavoidable permanent wetland fill associated with Vista Sorrento Parkway shall be mitigated at a ratio of 1:1. Mitigation for direct and shading impacts to freshwater marsh (i.e., cattails) shall be in kind and shall occur within the Los Peñasquitos Lagoon watershed. Mitigation for alkali marsh/meadow impacts shall be in kind and in the immediate area of the alkali marsh/meadow or, if no appropriate site can be found, mitigation shall consist of newly created willow scrub habitat within the Los Peñasquitos Lagoon watershed.

AND

The balance of the alkali marsh/meadow shall be designated open space and permanently protected from development through dedication of an open space easement, recordation of a deed restriction, or other appropriate mechanism.

4. El Camino Real shall be realigned and widened and its impacts shall be mitigated in accordance with the City-approved coastal development permit.

OPEN SPACE AND RESOURCE MANAGEMENT

Relevant coastal policies of the **Open Space and Resource Management Element** address on-site coastal resources, such as the sandstone bluffs located in the northern portion of the community, and adjacent and nearby coastal resources, such as Los Peñasquitos Creek and Lagoon and Carmel Creek. For development proposals which affect these resources, the following policies shall apply.

POLICIES

1. The bluff escarpments south of Carmel Creek and east of El Camino Real, the steep slopes below the bluff escarpments and all planned riparian woodlands within the Carmel Valley Restoration and Enhancement Project shall be designated as open space and environmentally sensitive habitat areas and shall be protected against any significant disruption. Additionally, the steep natural slope areas outside Brush Management Zone 3 located below the planned Torrey Hills development adjacent to Los Peñasquitos Canyon Preserve shall be designated open space and environmentally sensitive habitat areas and shall be protected against any significant disruption.
2. No fill or permanent structures shall be permitted within the boundaries of the Carmel Valley Restoration and Enhancement Project unless such development is first authorized by the California Coastal Commission.
3. No development, other than trails and fencing authorized in the approved coastal development permit, shall be constructed within the 50-foot buffer adjacent to the Carmel Valley Restoration and Enhancement Project, unless such development is first authorized by the California Coastal Commission.
4. Applicants for Coastal Development Permits for projects located in the watershed of Los Peñasquitos Lagoon shall, in addition to meeting all other requirements of this local Coastal program, enter into an agreement with the City of San Diego and the State Coastal Conservancy as a condition of development approval to pay a Los Peñasquitos watershed restoration and enhancement fee to the Los Peñasquitos Lagoon Fund, for restoration of the lagoon and watershed. Consistent with applicable Coastal Development Permit precedents, the requirement of Public Resources Code Section 30625(c), and the provisions of California Administrative Code, Title 14, Section 13511, the Los Peñasquitos Lagoon Watershed restoration and enhancement fee shall be computed on the basis of the site surface within the coastal zone affected by grading for urban development, agricultural, transportation and other public service facility improvements, but not including for habitat restoration or enhancement, at a rate of \$0.005/square foot and at an additional rate for impervious surface(s) created by the development at a rate of \$0.03/square foot. The applicant shall provide evidence satisfactory to the City that such payment has been made prior to issuance of the Coastal Development Permit. The City strongly recommends to the State Coastal Conservancy and the Los Peñasquitos Lagoon Foundation Board of Directors that the Foundation's applicable by-laws be amended to provide that applicants who pay into the fund be provided general membership status in the Los Peñasquitos Foundation.

5. To provide for the permanent maintenance and conservation of the stream channels and related habitat areas, a benefit assessment district or other financing mechanism which accomplishes the same result shall be created for that portion of the stream watershed lying within the Coastal Zone. Each applicant for a Coastal Development Permit in the stream watershed lying within the Coastal Zone shall, as a condition precedent to the issuance of such permit, agree in writing in a manner acceptable to the City Attorney to participate in the Benefit Assessment District or other financing mechanism that accomplishes the same result. In addition, the City should work cooperatively with other governmental agencies that have jurisdiction in the watershed lying inland of the Coastal Zone and with landowners to create a Benefit Assessment District or other financing mechanism for stream conservation and maintenance in that portion of the stream watershed lying inland of the Coastal Zone. Funds generated by the Benefit Assessment District(s) or other equivalent financial mechanisms may be utilized to construct and maintain erosion control measures in the stream watershed inside and outside the Coastal Zone.

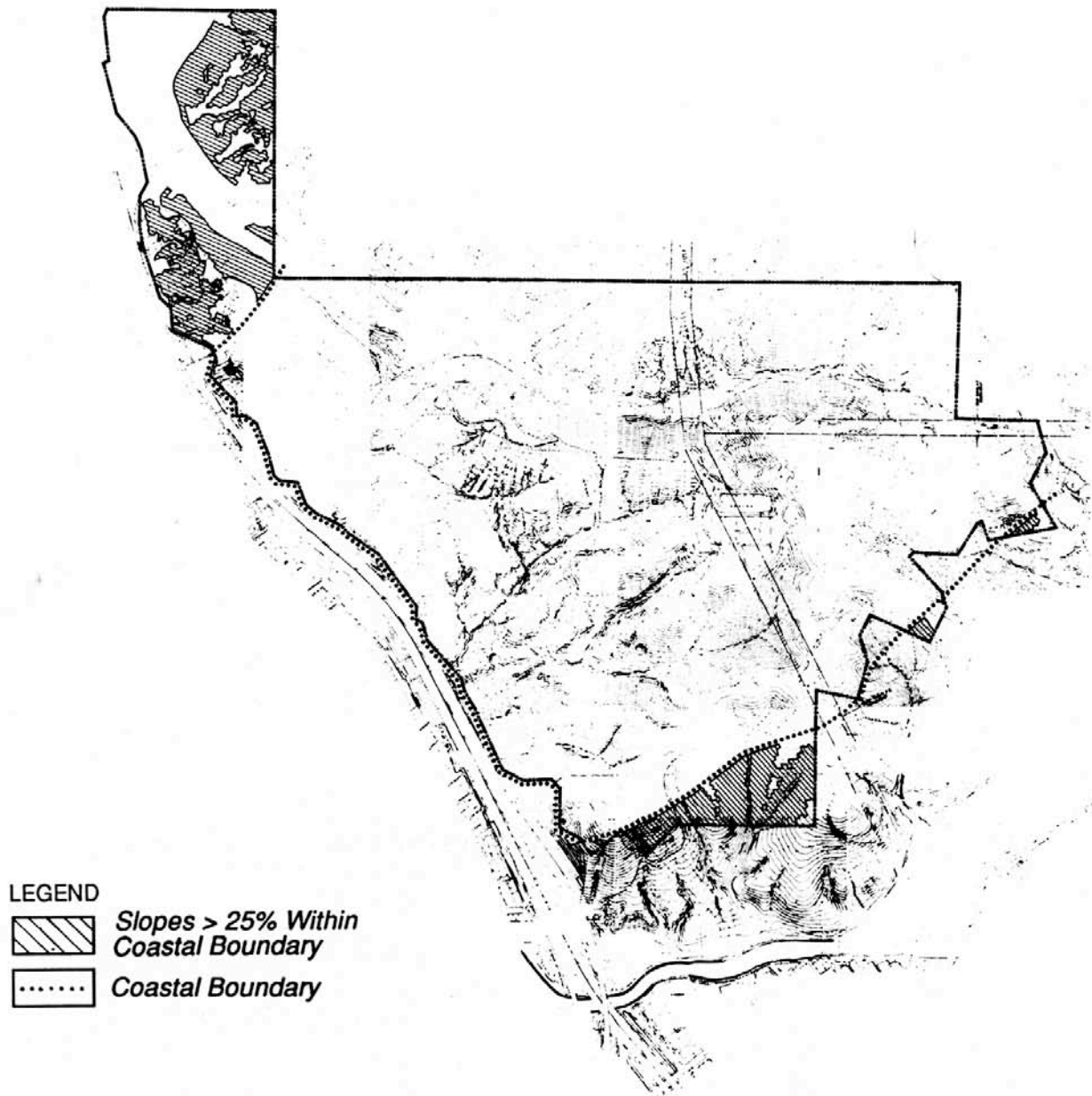
COMMUNITY DESIGN

For development within the Coastal Zone, the **Community Design Element** focuses on steep slopes, grading, landscaping and undergrounding of utilities. All development within the Coastal Zone shall comply with the following Community Design Policies.

POLICIES

Steep Slopes

1. Approximately 58.5 acres of the Plan lying within the Coastal Zone consist of slopes of 25 percent grade and over, and have been identified as possessing environmentally sensitive habitats, significant scenic amenities or hazards to developments. These slopes are shown on **Figure 20, Coastal Zone Steep Slopes**. Development may occur in these areas provided the applicant can demonstrate all of the following:
 - a. To protect the scenic and visual qualities of the site as seen from public recreational areas and highways, the proposed development shall minimize the alteration of natural landforms and create only new slopes that are topographically compatible with natural landforms of the surrounding area.
 - b. Any previously manufactured slopes of the site shall be recontoured, if necessary, to make them compatible with surrounding natural landforms and native vegetation.
 - c. The proposed development, including any fill or grading, does not create any significant new soil erosion, silting of lower slopes or stream channels, slide damage or other geologic instability, flooding, or permanent scarring. In reviewing the potential of any development to create or increase any such effects, official governmental soils maps, determinations of highly erodible soils, mapped active landslide areas, and similar documentation of geological instability shall be presumed to constitute rebuttable evidence and the applicant shall have an affirmative obligation to bring them to the attention of the City. Any decision by the City to override such evidence shall be based upon substantial evidence presented by a geotechnical expert licensed to practice in California. All liability for the accuracy of the geotechnical information presented on behalf of the applicant shall be assumed by the applicant, who shall also be required in writing as a condition precedent to issuance of the Coastal Development Permit to address and fully mitigate or otherwise correct any geologic instability, erosion, or sedimentation caused by the permitted development on other private or public properties and off-site coastal natural resources. Failure by an applicant to provide geotechnical or other engineering responses to such identified geological instabilities shall constitute grounds for denial of the development.



Coastal Zone Steep Slopes
Torrey Hills Community Plan

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FIGURE

- d. The proposed development contains a native vegetation restoration and enhancement program for those portions of the site in 25 percent or greater slopes that will provide as follows:
 - (1) For every area or quantity of native vegetation located on natural slopes of 25 percent grade and over, in excess of the encroachment allowance provided on **Table 5, 25 Percent Slope Encroachment Allowance**, that is disturbed by the development, an area equal to 120 percent of the disturbed area shall be restored in native vegetation. The restoration and enhancement program shall be performed prior to or concurrently with the development and may be incorporated into the design and implementation of the overall landscaping program for the site.
 - (2) The native vegetation restoration and enhancement program required by subsection (a) shall be located on the site of the permitted development. However, if the size, topography or biological characteristics of the site are determined by the Planning Director to be unsuitable for said restoration or enhancement program, then the native vegetation shall be provided at one or more off-site locations within the Coastal Zone, which may include publicly owned right-of-ways. If such locations within the Coastal Zone are not practicable, then such native vegetation restoration or enhancement program shall be provided at other suitable locations within the City of San Diego outside the Coastal Zone.
 - (3) All native vegetation restoration and enhancement programs shall be prepared by a biologist, registered landscape architect, or other qualified professional in close consultation with the Department of Fish and Game and U.S. Fish and Wildlife Service.
2. In the case of those natural landforms which consist of slopes of 25 percent and over which have been identified as possessing environmentally sensitive habitats or significant scenic amenities or hazards to development (including major undeveloped sites with high erodibility characteristics), the following requirements shall apply:
 - a. Slopes of 25 percent grade and over shall be preserved in their natural state, provided a minimal encroachment into the steep slope areas over 25 percent may be permitted as set forth on **Table 5**.

TABLE 5
25 PERCENT SLOPE ENCROACHMENT ALLOWANCE

Percentage of Parcel in Slopes of 25% and Over	Maximum Encroachment Allowance as Percentage of Area in Slopes of 25% and Over
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

The following uses shall be exempt from the encroachment limitations set forth on **Table 5**.

- Major public roads and collector streets identified in the Circulation Element of an adopted community plan or the City of San Diego Progress Guide and General Plan.
 - Local public streets, private roads and driveways which are necessary for access to the more developable portions of a site on slopes of less than 25 percent grade, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the Planning Director based upon an analysis of the project site.
 - Public utility systems.
- b. On existing legal parcels, a deviation in the encroachment allowance percentage may be granted by the Planning Director, if necessary to maintain a minimum development right (total disturbed area) equal to 20 percent of the entire parcel.
 - c. All encroachment allowances, including permissible deviations, shall be subject to a determination by the Planning Director that such encroachment supports the findings of fact set forth in the City's Hillside Review Zone.
 - d. For purposes of determining allowable encroachment, only that portion of a parcel or ownership lying within the coastal zone shall be used in the calculation.
3. Encroachment allowances for the development of slopes of 25 percent grade and over occurring on either slope category described in paragraphs “1” or “2” above, shall not be transferable between categories.
 4. All natural slopes of 25 percent grade and over which remain undisturbed or which are restored or enhanced as a result of a development approval shall be conserved as a condition of permit approval through a deed restriction, open space easement or other suitable device which will preclude any future development or grading of such slopes.

Grading

1. Grading plans for permitted development that is otherwise consistent with the Local Coastal Program shall include:
 - a. A map showing existing and proposed contours at ten-foot intervals of the property, as well as details of existing and future topography and area drainage.
 - b. The direction of drainage flow and detailed plans for locations of all proposed runoff control devices. The area to be served by any drains shall also be mapped.
 - c. A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage and estimated starting and completion dates.

- d. The grading plan shall be prepared by a professional engineer registered with the State of California.
 - e. The findings and conclusions of the North City West Drainage Study by Leeds, Hill and Jewett, Inc., and any subsequent watershed hydrology studies in order to satisfy the drainage control requirements in Carmel Valley.
2. All grading plans shall conform to all of the following, as applicable.
- a. A grading plan that incorporates runoff and erosion control procedures to be utilized during all phases of project development shall be prepared and submitted concurrently with subdivision improvement plans or planned development applications where such development is proposed to occur on lands that will be graded, filled or have a slope of 25 percent or greater. Such a plan shall be prepared by a registered civil engineer and shall be designed to assure that there will be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years (the “six-hour, ten-year” design storm). Runoff control shall be accomplished by establishing on-site or at suitable nearby locations catchment basins, detention basins and siltation traps along with energy dissipating measures at the terminus of storm drains or other similar means of equal or greater effectiveness.
 - b. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operations and maintained through the development process as necessary to remove sediment from runoff waters draining from the land undergoing development. Areas disturbed but not completed prior to November 15, including graded pads and stockpiles, shall be suitably prepared to prevent soil loss during the late fall and winter seasons. All graded slopes shall be stabilized prior to November 15 by means of native vegetation, if feasible, or by other suitable means. The use of vegetation as a means of controlling site erosion shall be accomplished pursuant to plans and specifications prepared by a licensed landscape architect or other qualified professional. Erosion control utilizing vegetation may include, but is not limited to, seeding, mulching, fertilization and irrigation within sufficient time prior to November 15 to provide landscape coverage that is adequate to achieve the provisions of this policy.

Temporary erosion control measures shall include the use of berms, interceptor ditches, sandbagging, hay bales, filtered inlets, debris basins, silt traps, or other similar means of equal or greater effectiveness. From November 15 to May 31, grading may be permitted provided the applicant conforms to the requirements of Subsection “c” and submits monthly documentation within two weeks following the end of the preceding month to the City Engineer of the condition of the erosion control procedures for graded pads, slopes and stockpiles whenever precipitation during the calendar month exceeds two (2) inches.

- c. From November 15 to March 31, grading may occur only: (1) in increments as determined by the City Engineer based on site-specific soil erodibility and slopes in order to minimize soil exposure, and if (2) the applicant has installed temporary erosion control measures that the City Engineer finds are designed to assure that there will be no increase in peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years (the “six-hour, ten-year” design storm); (3) the applicant posts a bond sufficient to cover the costs of any remedial grading and replanting of vegetation, including any restoration of lagoon, wetland, or other environmentally sensitive habitat areas adversely affected by the failure of the erosion control measure required pursuant to Subsection (C)(2), as determined by the City Engineer, which bond will ensure to the benefit of the City in case of non-compliance, as determined by the City Engineer, and (4) the applicant agrees to provide daily documentation to the City Engineer of the condition of the erosion control procedures for any 24-hour period in which precipitation exceeds 0.25 inches. Such documentation shall be provided within five working days of said 24-hour period. Failure to provide such documentation or occurrence of any significant discharge of sediments or silts in violation of this policy shall constitute automatic grounds for suspension of the applicant’s grading permit(s) during the period of November 15 to March 31.

Landscaping

1. Within perimeter areas of development, landscaped buffers shall be provided to screen views of development from Los Peñasquitos Canyon Preserve.
2. Landscaping in areas adjacent to Los Peñasquitos Canyon Preserve shall utilize native and/or drought tolerant, non-invasive plant material.
3. Landscaping and brush management shall comply with the Landscape Technical Manual (November 1989) unless specifically modified through an amendment to the Local Coastal Program.

Utilities

1. Local utility distribution shall be underground in all new developments, whenever feasible.
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